



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/889,878	07/23/2001	Mitsuhiro Kageyama	1900/00031	3129

7590 12/15/2005

Morris Liss
Connolly Bove Lodge & Hutz
PO Box 19088
Washington, DC 20036-3425

EXAMINER

SHEPARD, JUSTIN E

ART UNIT	PAPER NUMBER
----------	--------------

2617

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/889,878	Applicant(s) KAGEYAMA ET AL.	
	Examiner Justin E. Shepard	Art Unit 2617	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/23/2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

Figure 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically the phrase "from the above mentioned program information" is not clear on what the "above mentioned program information" includes. Also, the phrase "corresponding to all channels that can be handled by the system" on the last line does not provide a clear indication of the meaning of this phrase.

Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically the phrase "event-relay information" is not clear to the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 2, as best understood by the examiner, are rejected under 35 U.S.C. 102(e) as being anticipated by Van Gestel.

Referring to claim 1, Van Gestel discloses a program guide information generating and outputting system (column 3, lines 19-22), which includes a program schedule editing part for editing program information and a program schedule (column 3, lines 32-33), a program guide information managing part for managing the program information and the program schedule edited (column 3, lines 35-38; Note: generating the data file is interpreted as being equivalent to managing the EPG data), a present-following event information generating part that receives the program information and the program schedule to generate single event information (column 4, lines 11-13) and a present-following event information transmission schedule (column 4, lines 14-16), a program start controlling part for outputting a program start notification (column 4, lines 14-16; Note: identifying the first program to be broadcast is interpreted as being equivalent to outputting a program start notification), and a present-following event

information outputting part that generates present-following event information from the single event information and the present-following event information transmission schedule and outputs the same in response to input of the program start notification (column 3, lines 19-22; Note: outputting the EPG on a screen from the contents stored in memory is interpreted as being equivalent to the above limitation), said system comprising an immediate update-capable single event information generating part that generates, in advance, from the above-mentioned program information, single event information corresponding to all channels that can be handled by the system (column 1, lines 37-40; column 3, lines 60-62; Note: the ability to add or remove individual items from a program guide is interpreted as being equivalent to the above limitation).

Referring to claim 2, Van Gestel discloses a program guide information generating and outputting system according to claim 1, wherein said immediate update-capable single event information generating part generates the immediate update-capable single event information that carries the program identifier described in the program information and channel identifiers other than the channel identifier of the program broadcasting channel described on the program schedule (column 4, lines 30-37 and 8-11).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2617

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 15, as best understood by the examiner, are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Gestel in view of Kondo.

Referring to claim 3, Van Gestel does not disclose a program guide information generating and outputting system according to claim 1, wherein when the program start notification does not follow the present-following event information transmission schedule, said present-following event information outputting part generates the present-following event information by using the immediate update-capable single event information.

Kondo discloses a program guide information generating and outputting system according to claim 1, wherein when the program start notification does not follow the present-following event information transmission schedule, said present-following event information outputting part generates the present-following event information by using the immediate update-capable single event information (column 8, lines 28-29 and 35-44; Note: replacing a single event on a channel is interpreted as being equivalent to the above limitation).

At the time of the invention it would have been obvious for one of ordinary skill in the art to use the replacing method taught by Kondo in the system disclosed by Van Gestel. The motivation would have been that Van Gestel suggests updating current program information once per few minutes (Van Gestel: column 1, lines 37-40), which would suggest that current programming is being replaced or altered.

Referring to claim 15, Van Gestel does not disclose a program guide information generating and outputting system according to claim 2, wherein when the program start notification does not follow the present-following event information transmission schedule, said present-following event information part generates the present-following event information by using the immediate update-capable single event information.

Kondo discloses a program guide information generating and outputting system according to claim 2, wherein when the program start notification does not follow the present-following event information transmission schedule, said present-following event information part generates the present-following event information by using the immediate update-capable single event information (column 8, lines 28-29 and 35-44; Note: replacing a single event on a channel is interpreted as being equivalent to the above limitation).

At the time of the invention it would have been obvious for one of ordinary skill in the art to use the replacing method taught by Kondo in the system disclosed by Van Gestel. The motivation would have been that Van Gestel suggests updating current program information once per few minutes (Van Gestel: column 1, lines 37-40), which would suggest that current programming is being replaced or altered.

Claims 4, 5, and 11-13, as best understood by the examiner, are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Gestel in view of Yuen.

Referring to claim 4, Van Gestel does not disclose a program guide information generating and outputting system according to claim 1, wherein said program guide

information managing part limits the amount of data for the program schedule to be sent to said present-following event information generating part to a certain number of days, whereby said present-following event information generating part has only to generate a present-following event information transmission schedule for the certain number of days.

Yuen discloses a program guide information generating and outputting system according to claim 1, wherein said program guide information managing part limits the amount of data for the program schedule to be sent to said present-following event information generating part to a certain number of days, whereby said present-following event information generating part has only to generate a present-following event information transmission schedule for the certain number of days (column 5, lines 19-22; Note: only creating theme data for the 2-8 day period is interpreted as being equivalent to generating information only for a certain numbers of days).

At the time of the invention it would have been obvious for one of ordinary skill in the art to only generate the guide for a given time period, as taught by Yuen, in the system disclosed by Van Gestel. The motivation would have been to use less memory (Yuen: column 5, lines 27-30).

Referring to claim 5, Van Gestel does not disclose a program guide information generating and outputting system according to claim 1, wherein said present-following event information generating part limits the amount of transmission data for the generated present-following event information transmission schedule to output data for a certain number of days to said present- following event information outputting part.

Yuen discloses a program guide information generating and outputting system according to claim 1, wherein said present-following event information generating part limits the amount of transmission data for the generated present-following event information transmission schedule to output data for a certain number of days to said present-following event information outputting part (column 5, lines 19-22; Note: see rejection of claim 4; if you're only generating a guide for 2 days in advance, then you would only be able to output the guide for 2 days in advance).

At the time of the invention it would have been obvious for one of ordinary skill in the art to only generate the guide for a given time period, as taught by Yuen, in the system disclosed by Van Gestel. The motivation would have been to use less memory (Yuen: column 5, lines 27-30).

Referring to claim 11, Van Gestel does not disclose a program guide information generating and outputting system according to claim 1, further comprising: a program-interrupted schedule registering part for generating and registering a program interrupted schedule in said program schedule editing part; and a program-interrupted schedule generating part for generating, on the basis of the program-interrupted schedule, a present-following event information transmission schedule that sets the interrupt program as the present event and the interrupted program as the following event, wherein said present-following event information outputting part generates the present-following event information from the present-following event information transmission schedule.

Yuen discloses a program guide information generating and outputting system according to claim 1, further comprising: a program-interrupted schedule registering part for generating and registering a program interrupted schedule in said program schedule editing part; and a program-interrupted schedule generating part for generating, on the basis of the program-interrupted schedule (column 7, lines 55-59), a present-following event information transmission schedule that sets the interrupt program as the present event and the interrupted program as the following event (figure 12), wherein said present-following event information outputting part generates the present-following event information from the present- following event information transmission schedule (column 7, lines 65-67).

At the time of the invention it would have been obvious for one of ordinary skill in the art to use the program inserting method taught by Yuen in the system disclosed by Van Gestel. The motivation would have been to enable the networks to have more flexibility in their programming, which would make them more likely to use this method.

Referring to claim 12, Van Gestel does not disclose a program guide information generating and outputting system according to claim 11 , further comprising a program-interrupted present-following event information generating part for generating present-following event information adapted to program interrupt broadcasting in accordance with instructions from said present-following event information outputting part, wherein said present-following event information outputting part outputs the present-following event information generated in said program-interrupted present-following event information generating part.

Yuen discloses a program guide information generating and outputting system according to claim 11 , further comprising a program-interrupted present-following event information generating part for generating present-following event information adapted to program interrupt broadcasting in accordance with instructions from said present-following event information outputting part, wherein said present-following event information outputting part outputs the present-following event information generated in said program-interrupted present-following event information generating part (column 10, lines 29-31).

At the time of the invention it would have been obvious for one of ordinary skill in the art to use the program inserting method taught by Yuen in the system disclosed by Van Gestel. The motivation would have been to enable the networks to have more flexibility in their programming, which would make them more likely to use this method.

Referring to claim 13, Van Gestel does not disclose a program guide information generating and outputting system according to claim 12, wherein said program-interrupted present-following event information generating part generates the present-following event information by setting information acquired from the program start notification as the present information, and information acquired from the present event information of the present-following event information currently output as the following event.

Yuen does not disclose a program guide information generating and outputting system according to claim 12, wherein said program-interrupted present-following event information generating part generates the present-following event information by setting

information acquired from the program start notification as the present information, and information acquired from the present event information of the present-following event information currently output as the following event.

Yuen does disclose displacing a single program in a program guide.

Van Gestel discloses updating a single program in the programming guide.

At the time of the invention it would have been obvious for one of ordinary skill in the art to use the updating a single program in the guide and combine it with the program displacing method disclosed in Yuen. The motivation would have been that the data structure "the doubly linked list" is known in the art, and it includes updating the previous and following entries whenever a new element is added.

Claims 6-10, as best understood by the examiner, are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Gestel in view of Carey.

Referring to claim 6, Van Gestel does not disclose a program guide information generating and outputting system according to claim 1, further comprising: an event relay information generating part for generating single event information with event relay information by attaching the event relay information to the single event information; and an event-relayed program starting control part for outputting an event relay notification before switching channels for event relay broadcasting.

Van Gestel discloses present-following event information outputting part outputs the present-following event information generated by using the single event information with the event relay information (see the rejection of claim 1).

Carey discloses a program guide information generating and outputting system according to claim 1, further comprising: an event relay information generating part for generating single event information with event relay information by attaching the event relay information to the single event information (column 3, lines 31-34); and an event-relayed program starting control part for outputting an event relay notification before switching channels for event relay broadcasting (column 3, lines 36-42).

Neither reference discloses updating the guide after an event relay has occurred.

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the temporary channel switching taught by Carey to the system disclosed by Van Gestel. The motivation would have been to allow for people to continue watching a program, even when something like a news update interrupts it (Carey: column 1, lines 35-38).

At the time of the invention it would have been obvious for one of ordinary skill in the art to update the guide to reflect the changes in the current programming, even when that change is adding an additional channel. The motivation would be that a program guide with incorrect information would not be of any worth to the subscribers, and would therefore not be used.

Referring to claim 7, Van Gestel does not disclose a program guide information generating and outputting system according to claim 6, wherein said event relay information generating part generates in advance the single event information with the event relay information in which at least switching destination channel and program identifiers are set as not being set, and said present-following event information

outputting part sets the switching destination channel and program identifiers acquired from the event relay notification for the single event information with the event relay information to generate the present-following event information by using the single event information with the event relay information concerned.

Carey discloses a program guide information generating and outputting system according to claim 6, wherein said event relay information generating part generates in advance the single event information with the event relay information (column 3, lines 31-34) in which at least switching destination channel and program identifiers are set as not being set (column 6, lines 1-2), and said present-following event information outputting part sets the switching destination channel and program identifiers acquired from the event relay notification for the single event information with the event relay information (column 6, lines 8-10; Note: being a virtual channel is interpreted as being equivalent to the channel being decided by the service) to generate the present-following event information by using the single event information with the event relay information concerned.

At the time of the invention it would have been obvious for one of ordinary skill in the art to update the guide to reflect the changes in the current programming, even when that change is adding an additional channel. The motivation would be that a program guide with incorrect information would not be of any worth to the subscribers, and would therefore not be used.

Referring to claim 8, Van Gestel does not disclose a program guide information generating and outputting system according to claim 7, wherein said event relay

information generating part generates in advance the single event information with the event relay information for all single event information.

Carey discloses a program guide information generating and outputting system according to claim 7, wherein said event relay information generating part generates in advance the single event information with the event relay information for all single event information (column 5, lines 16-19; Note: being able to avoid creating the temporary channel because of a setting is interpreted as being equivalent to generating the information in advance).

At the time of the invention it would have been obvious for one of ordinary skill in the art to update the guide to reflect the changes in the current programming, even when that change is adding an additional channel. The motivation would be that a program guide with incorrect information would not be of any worth to the subscribers, and would therefore not be used.

Referring to claim 9, Van Gestel does not disclose a program guide information generating and outputting system according to claim 7, wherein said program schedule editing part registers possible programs for event relay broadcasting, and said event relay information generating part generates in advance the single event information with the event relay information for single event information on the registered programs.

Carey discloses a program guide information generating and outputting system according to claim 7, wherein said program schedule editing part registers possible programs for event relay broadcasting, and said event relay information generating part generates in advance the single event information with the event relay information for

single event information on the registered programs (column 5, lines 5-8; only switching to the temporary channel depending on what the user is watching is interpreted as being equivalent to preparing the single event information on the registered programs).

At the time of the invention it would have been obvious for one of ordinary skill in the art to update the guide to reflect the changes in the current programming, even when that change is adding an additional channel. The motivation would be that a program guide with incorrect information would not be of any worth to the subscribers, and would therefore not be used.

Referring to claim 10, Van Gestel does not disclose a program guide information generating and outputting system according to claim 6, wherein said event relay information generating part acquires the event relay notification from said present-following event information outputting part, which has already received the event relay notification, to generate and output the single event information with the event relay information to said present-following event information outputting part.

Carey discloses a program guide information generating and outputting system according to claim 6, wherein said event relay information generating part acquires the event relay notification from said present-following event information outputting part (column 3, lines 31-34), which has already received the event relay notification.

Neither reference discloses a system to generate and output the single event information with the event relay information to said present-following event information outputting part.

At the time of the invention it would have been obvious for one of ordinary skill in the art to update and output the guide to reflect the changes in the current programming, even when that change is adding an additional channel. The motivation would be that a program guide with incorrect information would not be of any worth to the subscribers, and would therefore not be used.

Claim 14, as best understood by the examiner, is rejected under 35 U.S.C. 103(a) as being unpatentable over Van Gestel in view of Yuen as applied to claim 13 above, and further in view of Kondo.

Referring to claim 14, Van Gestel in view of Yuen discloses a program guide information generating and outputting system according to claim 13, wherein while the present-following event information generated by said program-interrupted present-following event information generating part is outputting (see rejection of above claims).

Van Gestel in view of Yuen does not disclose a system where if another program start notification that does not follow the program schedule as well is in turn received, said program-interrupted present-following event information generating part generates the present-following event information by setting information acquired from the program start notification as the present event, and the following event information of the present-following event information currently output as the following event information.

Kondo discloses a system where if another program start notification that does not follow the program schedule as well is in turn received, said program-interrupted

present-following event information generating part generates the present-following event information by setting information acquired from the program start notification as the present event, and the following event information of the present-following event information currently output as the following event information (column 8, lines 28-29 and 35-44; Note: updating a single event by replacing an existing event is interpreted as being equivalent to the above limitations).

At the time of the invention it would have been obvious for one of ordinary skill in the art to use the replacing method taught by Kondo in the system disclosed by Van Gestel and Yuen. The motivation would have been that Van Gestel suggests updating current program information once per few minutes (Van Gestel: column 1, lines 37-40), which would suggest that current programming is being replaced or altered.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JS


CHRIS KELLEY
PATENT EXAMINER
2617 2600